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Agenda item 152

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 55/148 of 12 December 2000.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 7th and 18th meetings, on 2 and 22 October 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.7 and 18).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/57/164 and Add.1).

II. Consideration of draft resolution A/C.6/57/L.17

5. At the 18th meeting, on 22 October, the representative of Sweden, on behalf of Antigua and Barbuda, Argentina, Australia, Austria, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Ecuador, Ethiopia, Fiji, Finland, France, Gabon, the Gambia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy,

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Jamaica, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Mexico, Monaco, Mongolia, Mozambique, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, the Sudan, Suriname, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Yugoslavia and Zambia, subsequently joined by Malta, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/57/L.17).

6. At the same meeting, the Committee adopted draft resolution A/C.6/57/L.17 without a vote (see para. 8).

7. After the adoption of the draft resolution, the representatives of Israel and Egypt made statements in explanation of position; the representative of Jordan also made a statement (see A/C.6/57/SR.18).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992, 49/48 of 9 December 1994, 51/155 of 16 December 1996, 53/96 of 8 December 1998 and 55/148 of 12 December 2000,

Having considered the report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts,[1]

Thanking Member States and the International Committee of the Red Cross for their contribution to the report of the Secretary-General,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for those rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the possibility of making use of the International Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I,[2] and recalling that the International Fact-Finding Commission may, where necessary,

[1] A/57/164 and Add.1.

[2] United Nations, *Treaty Series*, vol. 1125, No. 17512.

facilitate, through its good offices, the restoration of an attitude of respect for the Geneva Conventions[3] and the Protocol,

Stressing also the need for consolidating the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level, and expressing concern about all violations of the Geneva Conventions and the two additional Protocols,[4]

Noting with satisfaction the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law,

Noting with appreciation the meeting of representatives of those bodies organized by the International Committee of the Red Cross at Geneva on 25 and 26 March 2002 to facilitate the sharing of concrete experience and an exchange of views on their roles and on the challenges they face,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions and the two additional Protocols,

Recalling that the Twenty-sixth International Conference of the Red Cross and Red Crescent endorsed the recommendations of the Intergovernmental Group of Experts on the Protection of War Victims, including the recommendation that the depositary of the Geneva Conventions should organize periodic meetings of States parties to the Conventions to consider general problems regarding the application of international humanitarian law,

Welcoming the adoption, at The Hague on 26 March 1999, of a second Protocol[5] to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict,[6] and appreciating the ratifications received so far,

Acknowledging the fact that the Rome Statute of the International Criminal Court,[7] which entered into force on 1 July 2002, includes the most serious crimes of international concern under international humanitarian law, and that the Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Acknowledging the usefulness of discussing in the General Assembly the status of instruments of international humanitarian law relevant to the protection of victims of armed conflicts,

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[3] Ibid., vol. 75, Nos. 970-973.
[4] Ibid., vol. 1125, Nos. 17512 and 17513.
[5] *International Legal Materials*, vol. XXXVIII, p. 769.
[6] United Nations, *Treaty Series*, vol. 249, No. 3511.
[7] A/CONF.183/9.

Noting the twenty-fifth anniversary of the additional Protocols to the Geneva Conventions, which occurred in June 2002, as well as the commemorative events organized, in particular, by Switzerland and the International Committee of the Red Cross, recalling the important achievement of enhancing the protection of civilians in armed conflicts,

1. *Appreciates* the virtually universal acceptance of the Geneva Conventions of 1949,[3] and notes the trend towards a similarly wide acceptance of the two additional Protocols of 1977;[4]

2. *Appeals* to all States parties to the Geneva Conventions that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

3. *Calls upon* all States that are already parties to Protocol I,[2] or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

4. *Calls upon* all States that have not yet done so to consider becoming parties to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict[6] and the two Protocols thereto, and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflict;

5. *Calls upon* all States parties to the Protocols Additional to the Geneva Conventions to ensure their wide dissemination and full implementation;

6. *Notes with appreciation* the Plan of Action adopted by the Twenty-seventh International Conference of the Red Cross and Red Crescent, in particular the reiteration of the importance of universal adherence to treaties on humanitarian law and their effective implementation at the national level, and welcomes the efforts made by many States towards the fulfilment of their pledges relating to international humanitarian law made at that Conference;

7. *Affirms* the necessity of making the implementation of international humanitarian law more effective;

8. *Welcomes* the advisory service activities of the International Committee of the Red Cross in supporting efforts made by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments;

9. *Welcomes also* the increasing numbers of national commissions or committees for the implementation of international humanitarian law and for promoting the incorporation of treaties on international humanitarian law into national law and disseminating the rules of international humanitarian law;

10. *Welcomes further* the entry into force on 12 February 2002 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,[8] and calls upon all States to consider becoming parties to that Protocol;

11. *Requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the status of the additional Protocols relating to the

[8] Resolution 54/263, annex I.

protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

12. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 55/149 of 12 December 2000.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 2nd, 3rd, 17th and 18th meetings, on 26 and 27 September and 18 and 22 October 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.2, 3, 17 and 18).

4. For its consideration of the item, the Committee had before it the reports of the Secretary-General (A/57/99 and Corr.1 and Add.1 and 2 and A/INF/56/6 and Add.1).

II. Consideration of draft resolution A/C.6/57/L.18

5. At the 17th meeting, on 18 October, the representative of Finland, on behalf of Argentina, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Burkina Faso, Chile, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Fiji, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Luxembourg,

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Madagascar, Malta, the Marshall Islands, the Netherlands, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay, subsequently joined by Belize, Canada, Georgia and Suriname, introduced a draft resolution entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" (A/C.6/57/L.18).

6. At its 18th meeting, on 22 October, the Committee adopted draft resolution A/C.6/57/L.18 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the reports of the Secretary-General,[1]

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Dismayed by the recent acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which have endangered or taken innocent lives and seriously impeded the normal work of such representatives and officials,

Expressing sympathy for the victims of such illegal acts,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the functions of diplomatic and consular missions,

[1] A/57/99 and Corr.1 and Add.1 and 2 and A/INF/56/6 and Add.1.

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. *Takes note* of the reports of the Secretary-General;[1]

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Urges* States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. *Also urges* States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above, and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

5. *Recommends* that States cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

6. *Urges* States to take all appropriate measures, in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

7. *Recommends* that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

8. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

9. *Calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means available for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. *Requests*:

(a) All States to report to the Secretary-General as promptly as possible serious violations of the protection, security and safety of diplomatic and consular missions and representatives, as well as missions and representatives with diplomatic status to international intergovernmental organizations;

(b) The State in which the violation occurred — and, to the extent possible, the State where the alleged offender is present — to report to the Secretary-General as promptly as possible on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and to report on measures adopted with a view to preventing a repetition of such violations;

(c) The States so reporting to consider using or taking into account the guidelines[2] prepared by the Secretary-General;

11. *Requests* the Secretary-General:

(a) To send, without delay, a circular note to all States reminding them of the request contained in paragraph 10 above;

(b) To circulate to all States, upon receipt, the reports received by him pursuant to paragraph 10 above, unless the reporting State requests otherwise;

(c) To draw the attention, when appropriate, of the States directly concerned to the reporting procedures provided for in paragraph 10 above, when a serious violation has been reported pursuant to subparagraph 10 (a) above;

(d) To address reminders to States where such violations have occurred if reports pursuant to subparagraph 10 (a) above or follow-up reports pursuant to subparagraph 10 (b) above have not been made within a reasonable period of time;

12. *Also requests* the Secretary-General to invite States, in the circular note referred to in subparagraph 11 (a) above, to inform him of their views with respect to any measures needed or already taken to enhance the protection, security and safety of diplomatic and consular missions and representatives, as well as missions and representatives with diplomatic status to international intergovernmental organizations,

13. *Further requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report containing:

(a) Information on the state of ratification of, and accessions to, the instruments referred to in paragraph 8 above;

(b) A summary of the reports received and views expressed pursuant to paragraphs 10 and 12 above;

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[2] A/42/485, annex.

14. *Invites* the Secretary-General to include in his report to the General Assembly any views he may wish to express on the matters referred to in paragraph 13 above;

15. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

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Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Convention on jurisdictional immunities of States and their property" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/78 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Committee considered the item at its 18th, 19th , 22nd and 25th meetings, on 22, 24 and 31 October and 5 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.18, 19, 22 and 25). Following the adjournment of the 18th meeting, on 22 October, the Committee held informal consultations to discuss the future course of action it should take on the item.

4. For its consideration of the item, the Committee had before it the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property.[1]

II. Consideration of draft resolution A/C.6/57/L.21

5. At the 22nd meeting, on 31 October, the Chairman of the Sixth Committee, on behalf of the Bureau, introduced a draft resolution entitled "Convention on jurisdictional immunities of States and their property" (A/C.6/57/L.21).

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 22* (A/57/22).

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6. At its 25th meeting, on 5 November, the Committee adopted draft resolution A/C.6/57/L.21 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on jurisdictional immunities of States and their property

The General Assembly,

Recalling its resolutions 46/55 of 9 December 1991, 49/61 of 9 December 1994, 52/151 of 15 December 1997, 53/98 of 8 December 1998, 54/101 of 9 December 1999, 55/150 of 12 December 2000 and 56/78 of 12 December 2001,

Having considered the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property,[2] established under resolution 55/150,

Noting that only a few issues remain outstanding,

Stressing the importance of uniformity and clarity in the law applicable to jurisdictional immunities of States and their property,

1. *Takes note with appreciation* of the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property;[2]

2. *Decides* that the Ad Hoc Committee shall be reconvened from 24 to 28 February 2003 in order to make a final attempt at consolidating areas of agreement and resolving outstanding issues, with a view to elaborating a generally acceptable instrument based on the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session,[3] and also on the discussions of the open-ended working group of the Sixth Committee and the Ad Hoc Committee and their results,[4] as well as to recommend a form for the instrument;

3. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-eighth session on the outcome of its work;

4. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Convention on jurisdictional immunities of States and their property".

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[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 22* (A/57/22).

[3] *Yearbook of the International Law Commission, 1991*, vol. II, Part Two (United Nations publication, Sales No. E.93.V.9 (Part 2)), document A/46/10, chap. II, para. 28.

[4] See A/C.6/54/L.12 and A/C.6/55/L.12; see also *Official Records of the General Assembly, Fifty-fourth Session, Sixth Committee*, 30th meeting (A/C.6/54/SR.30), and corrigendum; ibid., *Fifty-fifth Session, Sixth Committee*, 30th and 31st meetings (A/C.6/55/SR.30 and 31), and corrigendum; and ibid., *Fifty-seventh Session, Supplement No. 22* (A/57/22). See also ibid., *Sixth Committee*, 18th and 19th meetings (A/C.6/57/SR.18 and 19).

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Agenda item 155

Report of the United Nations Commission on International Trade Law on the work of its thirty-fifth session

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-seventh session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-fifth session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 4th, 5th, and 16th to 19th meetings, on 30 September and 17, 18, 22 and 24 October 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.4, 5 and 16-19).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the United Nations Commission on International Trade Law on its thirty-fifth session;[1]

(b) Report of the Secretary-General on the increase in the membership of the United Nations Commission on International Trade Law (A/56/315).

4. At the 4th meeting, on 30 September, the Chairman of the United Nations Commission on International Trade Law at its thirty-fifth session introduced the report of the Commission on the work of that session (see A/C.6/57/SR.4).

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17* (A/57/17).

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II. Consideration of proposals

A. Draft resolution A/C.6/57/L.12

5. At the 16th meeting, on 17 October, the representative of Austria, on behalf of Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Brazil, Burkina Faso, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Denmark, Ecuador, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Indonesia, the Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Jordan, Kenya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Paraguay, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, the Sudan, Sweden, Switzerland, Thailand, Trinidad and Tobago, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, subsequently joined by Djibouti, India, Madagascar, Suriname and the former Yugoslav Republic of Macedonia, introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-fifth session" (A/C.6/57/L.12).

6. At its 17th meeting, on 18 October, the Committee adopted draft resolution A/C.6/57/L.12 without a vote (see para. 15, draft resolution I).

B. Draft resolution A/C.6/57/L.13

7. At the 16th meeting, on 17 October, the Chairman of the Committee introduced a draft resolution entitled "Model Law on International Commercial Conciliation of the United Nations Commission on International Trade Law" (A/C.6/57/L.13).

8. At its 17th meeting, on 18 October, the Committee adopted draft resolution A/C.6/57/L.13 without a vote (see para. 15, draft resolution II).

C. Draft resolution A/C.6/57/L.14

9. At the 16th meeting, on 17 October, the Chairman of the Committee introduced a draft resolution entitled "Enhancing coordination in the area of international trade law and strengthening the secretariat of the United Nations Commission on International Trade Law" (A/C.6/57/L.14).

10. At its 17th meeting, on 18 October, the Committee adopted draft resolution A/C.6/57/L.14 without a vote (see para. 15, draft resolution III).

11. Before the adoption of the draft resolution, the representative of Mexico made a statement in explanation of position (see A/C.6/57/SR.17).

D. Draft resolution A/C.6/57/L.15

12. At the 18th meeting, on 22 October, the Chairman introduced a draft resolution entitled "Enlargement of the membership of the United Nations Commission on International Trade Law" (A/C.6/57/L.15).

13. At its 19th meeting, on 24 October, the Committee adopted draft resolution A/C.6/57/L.15 without a vote (see para. 15, draft resolution IV).

14. Before the adoption of the draft resolution, the representative of Sierra Leone made a statement in explanation of position (see A/C.6/57/SR.19).

III. Recommendations of the Sixth Committee

15. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the United Nations Commission on International Trade Law on the work of its thirty-fifth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Having considered the report of the Commission on its thirty-fifth session,[2]

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 37/106 of 16 December 1982,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field,

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[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17* (A/57/17).

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on its thirty-fifth session;[2]

2. *Takes note with satisfaction* of the completion and adoption by the Commission of the United Nations Commission on International Trade Law Model Law on International Commercial Conciliation;[3]

3. *Commends* the Commission for the progress made in its work on arbitration, insolvency law, electronic commerce, privately financed infrastructure projects, security interests and transport law;

4. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, and in this connection:

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Brazil, Cambodia, Ecuador, Indonesia and Viet Nam;

(b) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

(c) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and regional development banks, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

5. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

6. *Appeals* to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund established to provide travel assistance for developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

7. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the fifty-seventh session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are

[3] Ibid., annex I.

members of the Commission, at their request and in consultation with the Secretary-General;

8. *Reiterates*, in view of the increased work programme of the Commission, its request to the Secretary-General to strengthen the secretariat of the Commission within the bounds of the resources available in the Organization so as to ensure and enhance the effective implementation of the programme of the Commission, if possible already during the current biennium, and in any case during the biennium 2004-2005.

Draft resolution II
Model Law on International Commercial Conciliation of the United Nations Commission on International Trade Law

The General Assembly,

Recognizing the value for international trade of methods for settling commercial disputes in which the parties in dispute request a third person or persons to assist them in their attempt to settle the dispute amicably,

Noting that such dispute settlement methods, referred to by expressions such as conciliation and mediation and expressions of similar import, are increasingly used in international and domestic commercial practice as an alternative to litigation,

Considering that the use of such dispute settlement methods results in significant benefits, such as reducing the instances where a dispute leads to the termination of a commercial relationship, facilitating the administration of international transactions by commercial parties and producing savings in the administration of justice by States,

Convinced that the establishment of model legislation on these methods that is acceptable to States with different legal, social and economic systems would contribute to the development of harmonious international economic relations,

Taking note with satisfaction of the completion and adoption by the United Nations Commission on International Trade Law of the Model Law on International Commercial Conciliation,[4]

Believing that the Model Law on International Commercial Conciliation will significantly assist States in enhancing their legislation governing the use of modern conciliation or mediation techniques and in formulating such legislation where none currently exists,

Noting that the preparation of the Model Law on International Commercial Conciliation was the subject of due deliberation and extensive consultations with Governments and interested circles,

Convinced that the Model Law, together with the Conciliation Rules recommended by the General Assembly in its resolution 35/52 of 4 December 1980, significantly contributes to the establishment of a harmonized legal framework for the fair and efficient settlement of disputes arising in international commercial relations,

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[4] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17* (A/57/17), annex I.

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for completing and adopting the Model Law on International Commercial Conciliation, the text of which is contained in the annex to the present resolution, and for preparing the Guide to Enactment and Use of the Model Law;

2. *Requests* the Secretary-General to make all efforts to ensure that the Model Law on International Commercial Conciliation, together with its Guide to Enactment, becomes generally known and available;

3. *Recommends* that all States give due consideration to the enactment of the Model Law on International Commercial Conciliation, in view of the desirability of uniformity of the law of dispute settlement procedures and the specific needs of international commercial conciliation practice.

Annex

Model Law on International Commercial Conciliation of the United Nations Commission on International Trade Law

Article 1
Scope of application and definitions

(1) This Law applies to international[5] commercial[6] conciliation.

(2) For the purposes of this Law, "conciliator" means a sole conciliator or two or more conciliators, as the case may be.

(3) For the purposes of this Law, "conciliation" means a process, whether referred to by the expression conciliation, mediation or an expression of similar import, whereby parties request a third person or persons ("the conciliator") to assist them in their attempt to reach an amicable settlement of their dispute arising out of or relating to a contractual or other legal relationship. The conciliator does not have the authority to impose upon the parties a solution to the dispute.

(4) A conciliation is international if:

(a) The parties to an agreement to conciliate have, at the time of the conclusion of that agreement, their places of business in different States; or

(b) The State in which the parties have their places of business is different from either:

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[5] States wishing to enact this Model Law to apply to domestic as well as international conciliation may wish to consider the following changes to the text:
- Delete the word "international" in paragraph (1) of article 1; and
- Delete paragraphs (4), (5) and (6) of article 1.

[6] The term "commercial" should be given a wide interpretation so as to cover matters arising from all relationships of a commercial nature, whether contractual or not. Relationships of a commercial nature include, but are not limited to, the following transactions: any trade transaction for the supply or exchange of goods or services; distribution agreement; commercial representation or agency; factoring; leasing; construction of works; consulting; engineering; licensing; investment; financing; banking; insurance; exploitation agreement or concession; joint venture and other forms of industrial or business cooperation; carriage of goods or passengers by air, sea, rail or road.

(i) The State in which a substantial part of the obligations of the commercial relationship is to be performed; or

(ii) The State with which the subject matter of the dispute is most closely connected.

(5) For the purposes of this article:

(a) If a party has more than one place of business, the place of business is that which has the closest relationship to the agreement to conciliate;

(b) If a party does not have a place of business, reference is to be made to the party's habitual residence.

(6) This Law also applies to a commercial conciliation when the parties agree that the conciliation is international or agree to the applicability of this Law.

(7) The parties are free to agree to exclude the applicability of this Law.

(8) Subject to the provisions of paragraph (9) of this article, this Law applies irrespective of the basis upon which the conciliation is carried out, including agreement between the parties whether reached before or after a dispute has arisen, an obligation established by law, or a direction or suggestion of a court, arbitral tribunal or competent governmental entity.

(9) This Law does not apply to:

(a) Cases where a judge or an arbitrator, in the course of judicial or arbitral proceedings, attempts to facilitate a settlement; and

(b) [...]

Article 2
Interpretation

(1) In the interpretation of this Law, regard is to be had to its international origin and to the need to promote uniformity in its application and the observance of good faith.

(2) Questions concerning matters governed by this Law which are not expressly settled in it are to be settled in conformity with the general principles on which this Law is based.

Article 3
Variation by agreement

Except for the provisions of article 2 and article 6, paragraph (3), the parties may agree to exclude or vary any of the provisions of this Law.

Article 4
Commencement of conciliation proceedings[7]

(1) Conciliation proceedings in respect of a dispute that has arisen commence on the day on which the parties to that dispute agree to engage in conciliation proceedings.

(2) If a party that invited another party to conciliate does not receive an acceptance of the invitation within thirty days from the day on which the invitation was sent, or within such other period of time as specified in the invitation, the party may elect to treat this as a rejection of the invitation to conciliate.

Article 5
Number and appointment of conciliators

(1) There shall be one conciliator, unless the parties agree that there shall be two or more conciliators.

(2) The parties shall endeavour to reach agreement on a conciliator or conciliators, unless a different procedure for their appointment has been agreed upon.

(3) Parties may seek the assistance of an institution or person in connection with the appointment of conciliators. In particular:

(a) A party may request such an institution or person to recommend suitable persons to act as conciliator; or

(b) The parties may agree that the appointment of one or more conciliators be made directly by such an institution or person.

(4) In recommending or appointing individuals to act as conciliator, the institution or person shall have regard to such considerations as are likely to secure the appointment of an independent and impartial conciliator and, where appropriate, shall take into account the advisability of appointing a conciliator of a nationality other than the nationalities of the parties.

(5) When a person is approached in connection with his or her possible appointment as conciliator, he or she shall disclose any circumstances likely to give rise to justifiable doubts as to his or her impartiality or independence. A conciliator, from the time of his or her appointment and throughout the conciliation proceedings, shall without delay disclose any such circumstances to the parties unless they have already been informed of them by him or her.

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[7] The following text is suggested for States that might wish to adopt a provision on the suspension of the limitation period:

Article X. Suspension of limitation period

(1) When the conciliation proceedings commence, the running of the limitation period regarding the claim that is the subject matter of the conciliation is suspended.

(2) Where the conciliation proceedings have terminated without a settlement agreement, the limitation period resumes running from the time the conciliation ended without a settlement agreement.

Article 6
Conduct of conciliation

(1) The parties are free to agree, by reference to a set of rules or otherwise, on the manner in which the conciliation is to be conducted.

(2) Failing agreement on the manner in which the conciliation is to be conducted, the conciliator may conduct the conciliation proceedings in such a manner as the conciliator considers appropriate, taking into account the circumstances of the case, any wishes that the parties may express and the need for a speedy settlement of the dispute.

(3) In any case, in conducting the proceedings, the conciliator shall seek to maintain fair treatment of the parties and, in so doing, shall take into account the circumstances of the case.

(4) The conciliator may, at any stage of the conciliation proceedings, make proposals for a settlement of the dispute.

Article 7
Communication between conciliator and parties

The conciliator may meet or communicate with the parties together or with each of them separately.

Article 8
Disclosure of information

When the conciliator receives information concerning the dispute from a party, the conciliator may disclose the substance of that information to any other party to the conciliation. However, when a party gives any information to the conciliator, subject to a specific condition that it be kept confidential, that information shall not be disclosed to any other party to the conciliation.

Article 9
Confidentiality

Unless otherwise agreed by the parties, all information relating to the conciliation proceedings shall be kept confidential, except where disclosure is required under the law or for the purposes of implementation or enforcement of a settlement agreement.

Article 10
Admissibility of evidence in other proceedings

(1) A party to the conciliation proceedings, the conciliator and any third person, including those involved in the administration of the conciliation proceedings, shall not in arbitral, judicial or similar proceedings rely on, introduce as evidence or give testimony or evidence regarding any of the following:

(a) An invitation by a party to engage in conciliation proceedings or the fact that a party was willing to participate in conciliation proceedings;

(b) Views expressed or suggestions made by a party in the conciliation in respect of a possible settlement of the dispute;

(c) Statements or admissions made by a party in the course of the conciliation proceedings;

(d) Proposals made by the conciliator;

(e) The fact that a party had indicated its willingness to accept a proposal for settlement made by the conciliator;

(f) A document prepared solely for purposes of the conciliation proceedings.

(2) Paragraph (1) of this article applies irrespective of the form of the information or evidence referred to therein.

(3) The disclosure of the information referred to in paragraph (1) of this article shall not be ordered by an arbitral tribunal, court or other competent governmental authority and, if such information is offered as evidence in contravention of paragraph (1) of this article, that evidence shall be treated as inadmissible. Nevertheless, such information may be disclosed or admitted in evidence to the extent required under the law or for the purposes of implementation or enforcement of a settlement agreement.

(4) The provisions of paragraphs (1), (2) and (3) of this article apply whether or not the arbitral, judicial or similar proceedings relate to the dispute that is or was the subject matter of the conciliation proceedings.

(5) Subject to the limitations of paragraph (1) of this article, evidence that is otherwise admissible in arbitral or judicial or similar proceedings does not become inadmissible as a consequence of having been used in a conciliation.

Article 11
Termination of conciliation proceedings

The conciliation proceedings are terminated:

(a) By the conclusion of a settlement agreement by the parties, on the date of the agreement;

(b) By a declaration of the conciliator, after consultation with the parties, to the effect that further efforts at conciliation are no longer justified, on the date of the declaration;

(c) By a declaration of the parties addressed to the conciliator to the effect that the conciliation proceedings are terminated, on the date of the declaration; or

(d) By a declaration of a party to the other party or parties and the conciliator, if appointed, to the effect that the conciliation proceedings are terminated, on the date of the declaration.

Article 12
Conciliator acting as arbitrator

Unless otherwise agreed by the parties, the conciliator shall not act as an arbitrator in respect of a dispute that was or is the subject of the conciliation proceedings or in respect of another dispute that has arisen from the same contract or legal relationship or any related contract or legal relationship.

Article 13
Resort to arbitral or judicial proceedings

Where the parties have agreed to conciliate and have expressly undertaken not to initiate during a specified period of time or until a specified event has occurred arbitral or judicial proceedings with respect to an existing or future dispute, such an undertaking shall be given effect by the arbitral tribunal or the court until the terms of the undertaking have been complied with, except to the extent necessary for a party, in its opinion, to preserve its rights. Initiation of such proceedings is not of itself to be regarded as a waiver of the agreement to conciliate or as a termination of the conciliation proceedings.

Article 14
Enforceability of settlement agreement[8]

If the parties conclude an agreement settling a dispute, that settlement agreement is binding and enforceable ... [*the enacting State may insert a description of the method of enforcing settlement agreements or refer to provisions governing such enforcement*].

Draft resolution III
Enhancing coordination in the area of international trade law and strengthening the secretariat of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Having considered the report of the United Nations Commission on International Trade Law on of its thirty-fifth session,[9]

Noting the demand from Member States, in particular developing countries, for the Commission to provide technical assistance and to prepare legal standards in an increasing number of areas, and that as a result the number of projects of the Commission has more than doubled as compared with previous years,

Noting also the increased need for coordination among a growing number of international organizations that formulate rules and standards for international trade, and the specific function to be performed by the Commission in that respect, as mandated by the General Assembly in its resolution 2205 (XXI) and reiterated in subsequent resolutions,

[8] When implementing the procedure for enforcement of settlement agreements, an enacting State may consider the possibility of such a procedure being mandatory.

[9] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17* (A/57/17).

Satisfied that the current working methods of the Commission have proved their efficiency,

Concerned, however, about the increased demands on personnel resources of the secretariat of the Commission resulting from the increased work programme and its impending inability to continue servicing the Commission's working groups and performing other related tasks such as assisting Governments, which could also lead to the Commission having to defer or discontinue work on topics on its agenda and to reduce the number of its working groups,

1. *Emphasizes* the need for higher priority to be given to the work of the United Nations Commission on International Trade Law in view of the increasing value of the modernization of international trade law for global economic development and thus for the maintenance of friendly relations among States;

2. *Takes note* of the recommendation contained in the report of the Office of Internal Oversight Services on the in-depth evaluation of legal affairs[10] that the Office of Legal Affairs should review the requirements of the Commission's secretariat entailed by the expansion in the number of its working groups from three to six and present to the Commission, at its upcoming review of the practical applications of the new working methods, different options that would ensure the necessary level of secretariat services;

3. *Requests* the Secretary-General to consider measures to strengthen the secretariat of the Commission within the bounds of the resources available in the Organization, if possible during the current biennium, and in any case during the biennium 2004-2005.

Draft resolution IV
Enlargement of the membership of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Recalling also its resolution 3108 (XXVIII) of 12 December 1973, by which it increased the membership of the Commission from twenty-nine to thirty-six States,

Being satisfied with the practice of the Commission of inviting States not members of the Commission and relevant intergovernmental and international non-governmental organizations to participate as observers in the sessions of the Commission and its working groups and to take part in the formulation of texts by the Commission, as well as with the practice of reaching decisions by consensus without a formal vote,

[10] E/AC.51/2002/5, recommendation 15.

Observing that the considerable number of States that have participated as observers and made valuable contributions to the work of the Commission indicates that there exists an interest in active participation in the Commission beyond the current thirty-six member States,

Convinced that wider participation of States in the work of the United Nations Commission on International Trade Law would further the progress of the Commission's work and that an increase in the membership of the Commission would stimulate interest in the work of the Commission,

Having considered comments by States,[11] as well as a report of the Secretary-General,[12] on the implications of increasing the membership of the Commission, submitted pursuant to paragraph 13 of General Assembly resolution 55/151 of 12 December 2000,

1. *Takes note* of the fact that the impact of an increase in the membership of the United Nations Commission on International Trade Law on the secretariat services required to properly facilitate the work of the Commission would not be material enough to quantify and that the increase would therefore have no financial implications;

2. *Decides* to increase the membership of the United Nations Commission on International Trade Law from thirty-six to sixty States, bearing in mind that the Commission is a technical body whose composition reflects, inter alia, the specific requirements of the subject matter. The regional representation resulting from this increase in membership, which takes those requirements into account, shall not be a precedent for the enlargement of other bodies in the United Nations system;

3. *Decides also* that the twenty-four additional members of the Commission shall be elected by the General Assembly for a term of six years, except as provided in subparagraph (b) below, in accordance with the following rules:

(a) In electing the additional members, the General Assembly shall observe the following distribution of seats:

(i) Five from African States;

(ii) Seven from Asian States;

(iii) Three from Eastern European States;

(iv) Four from Latin American and Caribbean States;

(v) Five from Western European and other States;

(b) Of the twenty-four additional members elected at the first election, to be held during the fifty-eighth session of the General Assembly, the term of thirteen members shall expire on the last day prior to the beginning of the fortieth session of the Commission, in 2007; the President of the General Assembly shall, by drawing lots, select these members as follows:

(i) Two from those elected from African States, two from those elected from Eastern European States and two from those elected from Western European and other States;

[11] See *Official Records of the Fifty-sixth Session, Supplement No. 17* (A/56/17), para. 370.
[12] A/56/315.

(ii) Four from those elected from Asian States;

(iii) Three from those elected from Latin American and Caribbean States;

(c) The twenty-four additional members elected at the first election shall take office from the first day of the thirty-seventh session of the Commission, in 2004;

(d) The provisions of section II, paragraphs 4 and 5, of General Assembly resolution 2205 (XXI) shall also apply to the additional members;

4. *Appeals* to Governments, the relevant United Nations organs, organizations, institutions and individuals, in order to ensure full participation by the member States in the sessions of the Commission and its working groups, to consider making voluntary contributions to the Trust Fund established to provide travel assistance to developing countries that are members of the Commission, at their request, and in consultation with the Secretary-General.

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Report of the United Nations Commission on International Trade Law on the work of its thirty-fifth session

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

Corrigendum

Paragraph 5

The paragraph *should read*

5. At the 16th meeting, on 17 October, the representative of Austria, on behalf of Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Brazil, Burkina Faso, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Denmark, Ecuador, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, the Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Jordan, Kenya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Paraguay, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, the Sudan, Suriname, Sweden, Switzerland, Thailand, Trinidad and Tobago, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, subsequently joined by Djibouti, and the former Yugoslav Republic of Macedonia, introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-fifth session" (A/C.6/57/L.12).

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Report of the International Law Commission on the work of its fifty-fourth session

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Report of the International Law Commission on the work of its fifty-fourth session" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/82 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 20th to 28th meetings, on 28, 30 and 31 October and on 1 and from 4 to 7 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.20-28).

4. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its fifty-fourth session.[1]

5. The Chairman of the International Law Commission at its fifty-fourth session introduced the report of the Commission: chapters I to III and chapter V at the 20th meeting, on 28 October; chapter IV at the 22nd meeting, on 31 October; and chapters VI to X at the 23rd meeting, on 1 November (see A/C.6/57/SR.20, 22 and 23).

II. Consideration of draft resolution A/C.6/57/L.27

6. At the 28th meeting, on 7 November, the representative of Peru, on behalf of the Bureau, introduced a draft resolution entitled "Report of the International Law Commission on the work of its fifty-fourth session" (A/C.6/57/L.27).

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 10* and corrigendum (A/57/10 and Corr.1).

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7. At the same meeting, the Committee adopted draft resolution A/C.6/57/L.27 without a vote (see para. 9).

8. After the adoption of the draft resolution, the representative of the United States of America made a statement in explanation of position (see A/C.6/57/SR.28).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission on the work of its fifty-fourth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fifty-fourth session,[2]

Emphasizing the importance of furthering the codification and progressive development of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to further enhance their contribution to the progressive development of international law and its codification,

Wishing to enhance further the interaction between the Sixth Committee as a body of governmental representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

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[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 10* and corrigendum (A/57/10 and Corr.1).

[3] Resolution 2625 (XXV), annex.

1. *Takes note with appreciation* of the report of the International Law Commission on the work of its fifty-fourth session;[2]

2. *Takes note* of the decision of the International Law Commission to proceed with its work on the topic "International liability for injurious consequences arising out of acts not prohibited by international law", as requested by the General Assembly in its resolution 56/82 of 12 December 2001, and also takes note of its decision to include in its programme of work the following topics: "Responsibility of international organizations", "Shared natural resources" and "Fragmentation of international law: difficulties arising from the diversification and expansion of international law";[4]

3. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report;

4. *Reiterates its invitation* to Governments, within the context of paragraph 3, to provide information to the International Law Commission regarding State practice on the topic "Unilateral acts of States";

5. *Also reiterates its invitation* to Governments to submit the most relevant national legislation, decisions of domestic courts and State practice relevant to diplomatic protection in order to assist the International Law Commission in its work on the topic "Diplomatic protection";

6. *Recommends* that the International Law Commission, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly, continue its work on the topics in its current programme;

7. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity;

8. *Takes note* of paragraph 524 of the report of the International Law Commission with regard to cost-saving measures, and encourages the Commission to continue taking such measures at its future sessions;

9. *Takes note also* of paragraph 532 of the report, and decides that the next session of the International Law Commission shall be held at the United Nations Office at Geneva from 5 May to 6 June and from 7 July to 8 August 2003;

10. *Stresses* the desirability of further enhancing the dialogue between the International Law Commission and the Sixth Committee, and in this context encourages, inter alia, the holding of informal discussions between the members of the Sixth Committee and those members of the Commission attending the fifty-eighth session of the General Assembly;

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[4] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 10* and corrigendum (A/57/10 and Corr.1), paras. 517 and 518.

11. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

12. *Also requests* the International Law Commission to continue the implementation of article 16, paragraph (*e*), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

13. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

14. *Reaffirms* its previous decisions concerning the critical role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission;

15. *Reaffirms also* its previous decisions concerning the summary records and other documentation of the International Law Commission;[5]

16. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

17. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

18. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-seventh session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

19. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session and the draft articles adopted on either first or second reading by the Commission;

20. *Recommends* that the debate on the report of the International Law Commission at the fifty-eighth session of the General Assembly commence on 27 October 2003.

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[5] General Assembly resolutions 32/151, para. 10, 37/111, para. 5, and all subsequent General Assembly resolutions on the annual reports of the International Law Commission to the Assembly.

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Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/84 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 27th and 28th meetings, on 6 and 7 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.27 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Committee on Relations with the Host Country;[1]

(b) Letter dated 18 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General (A/57/222).

5. At the 27th meeting, on 6 November, the Chairman of the Committee on Relations with the Host Country introduced the report of that Committee (see A/C.6/57/SR.27).

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 26* (A/57/26).

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types of weapons of mass destruction and new systems of such weapons" (A/C.1/57/L.5). Subsequently, Armenia, Georgia, Indonesia, Kazakhstan, the Russian Federation and Ukraine joined in sponsoring the draft resolution.

6. At its 18th meeting, on 22 October, the Committee adopted draft resolution A/C.1/57/L.5 without a vote (see para. 7).

III. Recommendation of the First Committee

7. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons

The General Assembly,

Recalling its previous resolutions on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons,

Recalling also its resolutions 51/37 of 10 December 1996 and 54/44 of 1 December 1999 relating to the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons,

Recalling further paragraph 77 of the Final Document of the Tenth Special Session of the General Assembly,[1]

Determined to prevent the emergence of new types of weapons of mass destruction that have characteristics comparable in destructive effect to those of weapons of mass destruction identified in the definition of weapons of mass destruction adopted by the United Nations in 1948,[2]

Noting the desirability of keeping the matter under review, as appropriate,

1. *Reaffirms* that effective measures should be taken to prevent the emergence of new types of weapons of mass destruction;

2. *Requests* the Conference on Disarmament, without prejudice to further overview of its agenda, to keep the matter under review, as appropriate, with a view to making, when necessary, recommendations on undertaking specific negotiations on identified types of such weapons;

3. *Calls upon* all States, immediately following any recommendations of the Conference on Disarmament, to give favourable consideration to those recommendations;

4. *Requests* the Secretary-General to transmit to the Conference on Disarmament all documents relating to the consideration of this item by the General Assembly at its fifty-seventh session;

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[1] Resolution S-10/2.

[2] The definition was adopted by the Commission for Conventional Armaments (see S/C.3/32/Rev.1).

5. *Requests* the Conference on Disarmament to report the results of any consideration of the matter in its annual reports to the General Assembly;

6. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on Disarmament".

United Nations A/57/564*

General Assembly

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Fifty-seventh session
Agenda item 157

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/84 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 27th and 28th meetings, on 6 and 7 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.27 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Committee on Relations with the Host Country;[1]

(b) Letter dated 18 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General (A/57/222).

5. At the 27th meeting, on 6 November, the Chairman of the Committee on Relations with the Host Country introduced the report of that Committee (see A/C.6/57/SR.27).

* Reissued for technical reasons.

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 26* (A/57/26).

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II. Consideration of draft resolution A/C.6/57/L.25

6. At the 27th meeting, on 6 November, the representative of Cyprus, on behalf of Costa Rica and Cyprus, subsequently joined by Bulgaria, Canada, Côte d'Ivoire and Spain, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/57/L.25).

7. At its 28th meeting, on 7 November, the Committee adopted draft resolution A/C.6/57/L.25 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[2]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[3] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[4] and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,

Recalling its resolution 43/172 of 9 December 1988, in which it stressed the importance of a positive perception of the work of the United Nations, and urged that efforts be continued to build up public awareness by explaining, through all available means, the importance of the role played by the United Nations and the missions accredited to it in the strengthening of international peace and security,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 35 of its report;[2]

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[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 26* (A/57/26).

[3] Resolution 22 A (I).

[4] See resolution 169 (II).

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which is an issue of great importance, are in the interest of the United Nations and all Member States, and requests the host country to continue to solve, through negotiations, problems that might arise, and to take all measures necessary to prevent any interference with the functioning of missions;

3. *Takes note* of the opinion of the Legal Counsel of the United Nations of 24 September 2002[5] concerning the Parking Programme for Diplomatic Vehicles,[6] the positions expressed on this issue at the 213th meeting of the Committee, on 15 October 2002,[7] including requests from most speakers to defer implementation of the Parking Programme, and the host country's commitment to maintaining appropriate conditions for the functioning of the delegations and missions accredited to the United Nations in a manner that is fair, non-discriminatory, efficient and consistent with international law;

4. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

5. *Notes* that during the reporting period the travel controls previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities remained in effect, and requests the host country to consider removing such travel controls, and in this regard notes the positions of affected States, of the Secretary-General and of the host country;

6. *Notes also* that the Committee anticipates that the host country will continue to ensure the issuance, in a timely manner, of entry visas to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,[4] inter alia, for the purpose of their attending official United Nations meetings;

7. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

8. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI);

9. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Report of the Committee on Relations with the Host Country".

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[5] A/AC.154/358, annex.

[6] A/AC.154/355, annex.

[7] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 26* (A/57/26, paras. 26-30 and 32).

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Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

Corrigendum

Paragraph 6

The paragraph *should read*

> 6. At the 27th meeting, on 6 November, the representative of Cyprus, also on behalf of Bulgaria, Canada, Costa Rica and Côte d'Ivoire, subsequently joined by Spain, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/57/L.25).

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Fifty-seventh session
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Establishment of the International Criminal Court

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Establishment of the International Criminal Court" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/85 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 13th to 15th and 20th meetings, on 14, 15 and 28 October 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.13-15 and 20).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the establishment of the International Criminal Court (A/57/403);

(b) Letter dated 9 July 2002 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General (A/57/208).

II. Consideration of draft resolution A/C.6/57/L.16 and Rev.1

5. At the 15th meeting, on 15 October, the representative of the Netherlands introduced a draft resolution entitled "Establishment of the International Criminal Court" (A/C.6/57/L.16) and orally revised it as follows:

02-66962 (E) 061102

(a) At the end of operative paragraph 4, a new footnote 4 was inserted, reading:

> "[4] Rules of Procedure and Evidence; Elements of Crimes; rules of procedure of the Assembly of States Parties; financial regulations and rules; Agreement on the Privileges and Immunities of the International Criminal Court; basic principles governing a headquarters agreement to be negotiated between the Court and the host country; a draft relationship agreement between the Court and the United Nations; budget for the first financial period of the Court; resolution on continuity of work in respect of the crime of aggression; resolution on the procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court; resolution on the procedure for election of the judges for the International Criminal Court; resolution on the establishment of the Committee on Budget and Finance; resolution on the procedure for the nomination and election of members of the Committee on Budget and Finance; resolution on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims; resolution on the procedure for the nomination and election of members of the Board of Directors of the Trust Fund for the benefit of victims; resolution on provisional arrangements for the secretariat of the Assembly of States Parties; resolution on a permanent secretariat of the Assembly of States Parties; resolution on the selection of the staff of the International Criminal Court; resolution on relevant criteria for voluntary contributions to the International Criminal Court; resolution on budget appropriations for the first financial period and financing of appropriations for the first financial period; resolution on the Working Capital Fund for the first financial period; resolution on scales of assessments for the apportionment of the expenses of the International Criminal Court; resolution on crediting contributions to the United Nations Trust Fund to Support the Establishment of the International Criminal Court; decision on provision of funds for the Court; decision on interim arrangements for the exercise of authority pending the assumption of office by the Registrar; decision on the participation of the International Criminal Court in the United Nations Joint Staff Pension Fund; and decision on seating arrangements for States Parties",

and the remaining footnote was renumbered accordingly;

(b) A new operative paragraph 12 was inserted after operative paragraph 11, reading:

> "12. *Expresses its appreciation* to States that made voluntary contributions to the first session of the Assembly of States Parties in accordance with paragraph 10 of resolution 56/85",

and the remaining paragraph was renumbered accordingly.

6. At the 20th meeting, on 28 October, the Committee had before it a revised draft resolution entitled "Establishment of the International Criminal Court" (A/C.6/57/L.16/Rev.1), which incorporated the oral revisions made to draft resolution A/C.6/57/L.16 at the 15th meeting.

7. At the same meeting, the Secretary of the Committee made a statement regarding the administrative and financial implications of the draft resolution, in

particular concerning the responsibilities entrusted to the Secretary-General in relation to operative paragraphs 5, 7, 8 and 11.

8. Also at the same meeting, the representative of the United States of America made a statement indicating that the United States would not participate in the decision on the draft resolution (see A/C.6/57/SR.20).

9. At the same meeting, the Committee adopted draft resolution A/C.6/57/L.16/Rev.1 without a vote (see para. 10).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Establishment of the International Criminal Court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995, 51/207 of 17 December 1996, 52/160 of 15 December 1997, 53/105 of 8 December 1998, 54/105 of 9 December 1999, 55/155 of 12 December 2000 and 56/85 of 12 December 2001,

Noting that the Rome Statute of the International Criminal Court was adopted on 17 July 1998[1] and entered into force on 1 July 2002,

Noting also that the Preparatory Commission for the International Criminal Court, established in accordance with resolution F of the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held its ninth and tenth sessions from 8 to 19 April and from 1 to 12 July 2002, respectively, and thus successfully completed its mandate in accordance with that resolution,

Recalling the United Nations Millennium Declaration adopted at the Millennium Assembly,[2] in which heads of State and Government stressed the importance of the International Criminal Court,

Reiterating the historic significance of the adoption of the Rome Statute of the International Criminal Court,[1]

1. *Calls upon* all States that are not yet parties to the Rome Statute of the International Criminal Court to consider ratifying it or acceding to it without delay, and encourages efforts aimed at promoting awareness of the results of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held in Rome from 15 June to 17 July 1998, the provisions of the Statute and the process leading to the establishment of the International Criminal Court;

[1] A/CONF.183/9.

[2] See resolution 55/2.

2. *Calls upon* all States to consider becoming parties to the Agreement on the Privileges and Immunities of the International Criminal Court[3] without delay;

3. *Welcomes* the important work accomplished by the Preparatory Commission for the International Criminal Court in the completion of its mandate in accordance with resolution F of the Rome Conference;

4. *Also welcomes* the holding of the first session of the Assembly of States Parties to the Rome Statute from 3 to 10 September 2002 and the adoption of a number of important instruments by the Assembly;[4]

5. *Takes note* of the report of the Secretary-General on the establishment of the International Criminal Court,[5] in particular of its paragraphs 12 to 15 indicating the decision of the Assembly of States Parties to resume its first session from 3 to 7 February and from 21 to 23 April 2003, and to hold the meeting of the Committee on Budget and Finance from 4 to 8 August 2003 and the second session of the Assembly of States Parties from 8 to 12 September 2003, all of which are to be held at United Nations Headquarters;

6. *Recognizes* the need to make available, on a provisional basis, adequate resources and secretariat services for the Assembly of States Parties to enable it to discharge its functions efficiently and expeditiously;

7. *Requests* the Secretary-General to undertake the preparations necessary for holding the meetings referred to in paragraph 5 in accordance with the rules of procedure of the Assembly of States Parties to the Rome Statute of the International Criminal Court;

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[3] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (ICC-ASP/1/3) (United Nations publication, Sales No. E.03.V.2), part II.E.

[4] Rules of Procedure and Evidence; Elements of Crimes; rules of procedure of the Assembly of States Parties; financial regulations and rules; Agreement on the Privileges and Immunities of the International Criminal Court; basic principles governing a headquarters agreement to be negotiated between the Court and the host country; a draft relationship agreement between the Court and the United Nations; budget for the first financial period of the Court; resolution on continuity of work in respect of the crime of aggression; resolution on the procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court; resolution on the procedure for election of the judges for the International Criminal Court; resolution on the establishment of the Committee on Budget and Finance; resolution on the procedure for the nomination and election of members of the Committee on Budget and Finance; resolution on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims; resolution on the procedure for the nomination and election of members of the Board of Directors of the Trust Fund for the benefit of victims; resolution on provisional arrangements for the secretariat of the Assembly of States Parties; resolution on a permanent secretariat of the Assembly of States Parties; resolution on the selection of the staff of the International Criminal Court; resolution on relevant criteria for voluntary contributions to the International Criminal Court; resolution on budget appropriations for the first financial period and financing of appropriations for the first financial period; resolution on the Working Capital Fund for the first financial period; resolution on scales of assessments for the apportionment of the expenses of the International Criminal Court; resolution on crediting contributions to the United Nations Trust Fund to Support the Establishment of the International Criminal Court; decision on provision of funds for the Court; decision on interim arrangements for the exercise of authority pending the assumption of office by the Registrar; decision on the participation of the International Criminal Court in the United Nations Joint Staff Pension Fund; and decision on seating arrangements for States Parties.

[5] A/57/403.

8. *Also requests* the Secretary-General to make available to those meetings secretariat services for the necessary preparatory work as well as for any post-session follow-up actions;

9. *Further requests* the Secretary-General to take steps to expand the mandate of the trust fund established pursuant to General Assembly resolution 51/207 for voluntary contributions towards meeting the costs of participation of the least developed countries in the work of the Assembly of States Parties to the Rome Statute of the International Criminal Court;

10. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution;

11. *Decides* that the costs of services rendered to the Assembly of States Parties that may accrue to the United Nations as a result of the implementation of the present resolution shall be paid in advance to the Organization;

12. *Expresses its appreciation* to States that made voluntary contributions to the first session of the Assembly of States Parties in accordance with paragraph 10 of resolution 56/85;

13. *Decides* to include in the provisional agenda of its fifty-eighth session an item entitled "International Criminal Court".

United Nations A/57/566

General Assembly

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Fifty-seventh session
Agenda item 159

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/86 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 11th, 12th, 16th, 22nd and 25th meetings, on 7, 10, 17 and 31 October and 5 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.11, 12, 16, 22 and 25).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[1]

(b) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/57/165 and Add. 1);

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 33* (A/57/33).

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(c) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/57/370);

(d) Letter dated 14 June 2002 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General, transmitting the declaration signed at St. Petersburg on 7 June 2002 by the heads of State of the members of the Shanghai Cooperation Organization (A/57/88-S/2002/672).

II. Consideration of proposals

A. Draft resolution A/C.6/57/L.19

5. At the 22nd meeting, on 31 October, the representative of Egypt introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/57/L.19).

6. At the 25th meeting, on 5 November, the Secretary of the Committee made a statement concerning the administrative and financial implications of the draft resolution (see A/C.6/57/SR.25).

7. At the same meeting, the Committee adopted draft resolution A/C.6/57/L.19 without a vote (see para. 12, draft resolution I).

B. Draft resolution A/C.6/57/L.11

8. At the 16th meeting, on 17 October, the representative of Bulgaria, on behalf of Bulgaria, the Russian Federation and Ukraine, subsequently joined by Algeria, Bangladesh, Brazil, Chile, China, Colombia, Egypt, India, Malaysia, Sierra Leone, the former Yugoslav Republic of Macedonia, Tunisia, Turkey and Uganda introduced a draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/57/L.11).

9. At its 25th meeting, on 5 November, the Committee adopted draft resolution A/C.6/57/L.11 without a vote (see para. 12, draft resolution II).

C. Draft resolution A/C.6/57/L.10

10. At the 25th meeting, on 5 November, the Chairman of the Committee, on behalf of the Bureau, introduced a draft resolution entitled "Prevention and peaceful settlement of disputes" (A/C.6/57/L.10).

11. At the same meeting, the Committee adopted draft resolution A/C.6/57/L.10 without a vote (see para. 12, draft resolution III).

III. Recommendations of the Sixth Committee

12. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,[2]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Recalling further that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Considering the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its increased workload,

Taking note of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,[3]

Recalling its resolution 56/86 of 12 December 2001,

Having considered the report of the Special Committee on the work of its session held in 2002,[4]

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[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 47* (A/56/47).

[3] A/57/370.

[4] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 33* (A/57/33).

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes, which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[4]

2. *Decides* that the Special Committee shall hold its next session from 7 to 17 April 2003;

3. *Requests* the Special Committee, at its session in 2003, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2003;

(b) To continue to consider, on a priority basis, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter by commencing a substantive debate on all of the related reports of the Secretary-General[5] and the proposals submitted on the question;

(c) To keep on its agenda the question of the peaceful settlement of disputes between States;

(d) To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with General Assembly resolution 50/55 of 11 December 1995,[6] the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform"[7] and the views expressed by States on this subject at previous sessions of the Assembly;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

4. *Takes note* of paragraph 57 of the report of the Secretary-General,[3] commends the Secretary-General for his continued efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and endorses the efforts of the Secretary-General to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*;

5. *Invites* the Special Committee at its session in 2003 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

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[5] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303 and A/57/165 and Add.1.

[6] A/50/1011.

[7] A/51/950 and Add.1-7.

6. *Notes* the readiness of the Special Committee, in the context of its consideration of the subject of assistance to working groups on the revitalization of the work of the United Nations and coordination between the Special Committee and other working groups dealing with the reform of the Organization, to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its fifty-eighth session;

8. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Draft resolution II
Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling:

(a) The report of the Secretary-General entitled "An Agenda for Peace",[8] in particular paragraph 41 thereof,

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof, entitled "Special economic problems arising from the implementation of preventive or enforcement measures", and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", in particular annex II thereto, entitled "Question of sanctions imposed by the United Nations",

[8] A/47/277-S/24111.

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace",[9]

(d) The statement by the President of the Security Council of 22 February 1995,[10]

(e) The report of the Secretary-General[11] prepared pursuant to the statement by the President of the Security Council[12] regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter,

(f) The annual overview reports of the Administrative Committee on Coordination for the period from 1992 to 2000[13] and the annual overview report of the United Nations System Chief Executives Board for Coordination for 2001,[14] in particular the sections on assistance to countries invoking Article 50 of the Charter,

(g) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia[15] and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996, 52/169 H of 16 December 1997, 54/96 G of 15 December 1999, 55/170 of 14 December 2000 and 56/110 of 14 December 2001,

(h) The reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its sessions held in the years 1994 to 2002,[16]

(i) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,[17]

(j) The report of the Secretary-General to the Millennium Assembly of the United Nations,[18] in particular section IV.E thereof, entitled "Targeting sanctions",

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[9] A/50/60-S/1995/1.

[10] S/PRST/1995/9; see *Resolutions and Decisions of the Security Council, 1995*.

[11] A/48/573-S/26705.

[12] S/25036; see *Resolutions and Decisions of the Security Council, 1992*.

[13] E/1993/81, E/1994/19, E/1995/21, E/1996/18 and Add.1, E/1997/54 and Corr.1, E/1998/21, E/1999/48, E/2000/53 and E/2001/55.

[14] E/2002/55.

[15] A/49/356, A/50/423, A/51/356, A/52/535, A/54/534, A/55/620 and Corr.1 and A/56/632.

[16] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33* (A/49/33); ibid., *Fiftieth Session, Supplement No. 33* (A/50/33); ibid., *Fifty-first Session, Supplement No. 33* (A/51/33); ibid., *Fifty-second Session, Supplement No. 33* and corrigendum (A/52/33 and Corr.1); ibid., *Fifty-third Session, Supplement No. 33* (A/53/33); ibid., *Fifty-fourth Session, Supplement No. 33* and corrigendum (A/54/33 and Corr.1); ibid., *Fifty-fifth Session, Supplement No. 33* (A/55/33); ibid., *Fifty-sixth Session, Supplement No. 33* (A/56/33); and ibid., *Fifty-seventh Session, Supplement No. 33* (A/57/33).

[17] A/50/361, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303 and A/57/165 and Add.1.

[18] A/54/2000.

(k) The United Nations Millennium Declaration,[19] in particular paragraph 9 thereof,

(l) The report of the Secretary-General entitled "Road map towards implementation of the United Nations Millennium Declaration",[20] in particular paragraphs 56 to 61 thereof,

(m) The report of the Office of Internal Oversight Services on the in-depth evaluation of United Nations programmes relating to global development trends, issues and policies and global approaches to social and microeconomic issues and policies, and the corresponding subprogrammes in the regional commissions,[21] in particular recommendation 3 contained therein, as approved by the Committee for Programme and Coordination at its fortieth session,[22]

Taking note of the report of the Secretary-General on the work of the Organization,[23] in particular paragraphs 69 to 71 thereof,

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly, the Security Council, the Economic and Social Council and their subsidiary organs,

Recalling also the measures taken by the Security Council, in accordance with the statement by the President of the Security Council of 16 December 1994,[24] that, as part of the effort of the Council to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Recalling further the measures taken by the Security Council in accordance with the note by the President of the Security Council of 29 January 1999[25] aimed at improving the work of the sanctions committees, including increasing the effectiveness and transparency of those committees,

Stressing that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also, in this context, the powers of the Security Council under Chapter VII of the Charter and the primary responsibility of the Council under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

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[19] See resolution 55/2.

[20] A/56/326.

[21] E/AC.51/2000/2.

[22] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 16* and corrigendum (A/55/16 and Corr.1), chap. II.C.2, para. 243.

[23] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 1* (A/57/1).

[24] See S/PRST/1994/81; see *Resolutions and Decisions of the Security Council, 1994*.

[25] S/1999/92; see *Resolutions and Decisions of the Security Council, 1999*.

Recognizing that the imposition of sanctions under Chapter VII of the Charter has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems effectively,

Taking into consideration the views of third States which could be affected by the imposition of sanctions,

Recognizing that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing also that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economies of those States,

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000 and 56/87 of 12 December 2001,

1. *Renews its invitation* to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

2. *Welcomes* the measures taken by the Security Council since the adoption of General Assembly resolution 50/51, most recently the note by the President of the Security Council of 15 January 2002,[26] whereby the members of the Security Council agreed to extend the mandate of the informal working group of the Council established in 2000[27] to develop general recommendations on how to improve the effectiveness of United Nations sanctions, looks forward to the adoption of the proposed outcome document of the working group, in particular those provisions thereof regarding the issues of the unintended impact of sanctions and assistance to States in implementing sanctions, and strongly recommends that the Council continue its efforts to enhance further the effectiveness and transparency of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

3. *Invites* the Security Council, its sanctions committees and the Secretariat to continue to ensure, as appropriate, that:

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[26] S/2002/70; see *Resolutions and Decisions of the Security Council, 2002*.

[27] S/2000/319.

(a) Both pre-assessment reports and ongoing assessment reports include as part of their analysis the likely and actual unintended impact of the sanctions on third States and recommend ways in which the negative impact of sanctions can be mitigated;

(b) Sanctions committees provide opportunities for third States affected by sanctions to brief them on the unintended impact of sanctions they are experiencing and on assistance needed by them to mitigate the negative impact of sanctions;

(c) The Secretariat continues to provide, upon request, advice and information to third States to help them to pursue means to mitigate the unintended impact of sanctions, for example, on invoking Article 50 of the Charter for consultation with the Security Council;

(d) Where economic sanctions have had severe effects on third States, the Security Council is able to request the Secretary-General to consider appointing a special representative or dispatching, as necessary, fact-finding missions on the ground to undertake necessary assessments and to identify, as appropriate, possible ways of assistance;

(e) The Security Council is able, in the context of situations referred to in subparagraph (d) above, to consider establishing working groups to consider such situations;

4. *Requests* the Secretary-General to pursue the implementation of General Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157 and 56/87 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to explore innovative and practical measures of assistance to the affected third States;

5. *Welcomes* the report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States,[28] and renews its invitation to States and relevant international organizations within and outside the United Nations system which have not yet done so to provide their views regarding the report of the ad hoc expert group meeting;

6. *Takes note* of the most recent report of the Secretary-General,[28] and in particular, of his views on the deliberations and main findings, including the recommendations, of the ad hoc expert group on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, as well as the views of States, the organizations of the United Nations system, international financial institutions and other international organizations, as contained in the previous reports of the Secretary-General;[29]

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[28] A/57/165 and Add.1.

[29] A/54/383 and Add.1 and A/55/295 and Add.1.

7. *Reaffirms* the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts of the international community and the United Nations system on behalf of States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

8. *Takes note* of the decision of the Economic and Social Council, in its resolution 2000/32 of 28 July 2000, to continue its consideration of the question of assistance to third States affected by the application of sanctions, invites the Council, at its organizational session for 2003, to make appropriate arrangements for this purpose within its programme of work for 2003, and decides to transmit the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions,[28] together with the relevant background materials, to the Council at its substantive session of 2003;

9. *Invites* the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, the special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

10. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 2003, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter by commencing a substantive debate on all of the related reports of the Secretary-General, in particular the 1998 report containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162,[30] together with the most recent report of the Secretary-General on this question, taking into consideration the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions, the proposals submitted on the question, the debate on the question in the Sixth Committee during the fifty-seventh session of the Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, as well as the implementation of the provisions of Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157, 56/87 and the present resolution;

11. *Decides* to consider, within the Sixth Committee or a working group of the Committee, at the fifty-eighth session of the General Assembly, further progress in the elaboration of effective measures aimed at the implementation of the

[30] A/53/312.

provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

12. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-eighth session, under the agenda item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Draft resolution III
Prevention and Peaceful settlement of disputes

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also Chapter VI of the Charter of the United Nations, in particular Article 33, and underlining the obligation of Member States to seek a solution to their disputes by peaceful means of their own choice,

Recalling further the principles in the United Nations Millennium Declaration[31] and the Declaration of the Security Council on Ensuring an Effective Role for the Security Council in the Maintenance of International Peace and Security, particularly in Africa,[32] adopted during the United Nations Millennium Summit,

Recalling the Manila Declaration on the Peaceful Settlement of International Disputes,[33] the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field,[34] the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security,[35] the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,[36] and the United Nations Model Rules for the Conciliation of Disputes between States,[37] elaborated by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and adopted unanimously by the General Assembly,

Noting with appreciation the work done by the Special Committee on the Charter to encourage States to focus on the need to prevent and to settle peacefully their disputes, which are likely to endanger the maintenance of international peace and security,

Emphasizing the importance of early warning to prevent disputes, and emphasizing also the need to promote the peaceful settlement of disputes,

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[31] Resolution 55/2.
[32] Security Council resolution 1318 (2000), annex.
[33] Resolution 37/10, annex.
[34] Resolution 43/51, annex.
[35] Resolution 46/59, annex.
[36] Resolution 49/57, annex.
[37] Resolution 50/50, annex.

Recalling the various procedures and methods available to States for the prevention and the peaceful settlement of their disputes, including those provided for in Article 33 of the Charter, as well as monitoring, fact-finding missions, goodwill missions, special envoys, observers and good offices,

Recalling in particular its previous relevant declarations and resolutions concerning dispute prevention, in which, inter alia, it called upon the Secretary-General to make full use of the information-gathering capabilities of the Secretariat and emphasized the need to strengthen the capacity of the United Nations in the field of preventive diplomacy,

Recalling its previous relevant resolutions and decisions concerning dispute settlement, including resolution 2329 (XXII) of 18 December 1967, in which it requested the Secretary-General to prepare a register of experts whose services States parties to a dispute might use for fact-finding in relation to the dispute, decision 44/415 of 4 December 1989, the annex to which contains a draft document on resort to a commission of good offices, mediation or conciliation within the United Nations, and resolution 50/50 of 11 December 1995, the annex to which contains the United Nations Model Rules for the Conciliation of Disputes between States,

Noting with satisfaction that, pursuant to the recommendation contained in its resolution 47/120 A of 18 December 1992, the Secretary-General established a list of eminent and qualified experts for his use in fact-finding and other missions, and that this list has recently been updated,

Recalling that certain multilateral treaties provide for the creation of lists of conciliators and arbitrators for use by States in the settlement of their disputes,

Reaffirming the important role played by judicial mechanisms, in particular the International Court of Justice and the International Tribunal for the Law of the Sea, in the settlement of disputes between States,

1. *Urges* States to make the most effective use of existing procedures and methods for the prevention and settlement of their disputes peacefully, in accordance with the principles of the Charter of the United Nations;

2. *Reaffirms* the duty of all States, in accordance with the principles of the Charter of the United Nations, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible;

3. *Draws the attention* of States to the important roles played by the Security Council, the General Assembly and the Secretary-General in providing early warning and in working for the prevention of disputes and situations which might threaten international peace and security;

4. *Takes note* of the paper prepared by the Secretariat entitled "Mechanisms established by the General Assembly in the context of dispute prevention and settlement";[38]

[38] A/AC.182/2000/INF/2.

5. *Urges* the continued enhancement of the concrete steps taken by the Secretariat to build and improve the capacity of the United Nations to respond effectively and efficiently in matters relating to dispute prevention, including through the strengthening of cooperative mechanisms for information-sharing, planning and the development of preventive measures; the development of a comprehensive plan for a revived early-warning and prevention system for the United Nations; training intended to support such enhanced capabilities in these areas; and cooperation with regional organizations;

6. *Encourages* States to nominate suitably qualified persons who are willing to provide fact-finding services, for inclusion in the register set up by the Secretary-General pursuant to paragraph 4 of its resolution 2329 (XXII);

7. *Encourages* eligible States to also nominate suitably qualified persons to have their names included in the lists of conciliators and arbitrators provided for under certain treaties, including the Vienna Convention on the Law of Treaties[39] and the United Nations Convention on the Law of the Sea;[40]

8. *Requests* the Secretary-General to take such steps as he deems necessary from time to time to encourage States to designate suitably qualified persons for inclusion in the various lists referred to above which he has the responsibility to maintain;

9. *Reminds* States that have not yet done so that they may at any time make a declaration under Article 36, paragraph 2, of the Statute of the International Court of Justice with regard to its compulsory jurisdiction in relation to any other State accepting the same obligation, and encourages them to consider doing so.

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[39] United Nations, *Treaty Series*, vol. 1155, No. 18232.

[40] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

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Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/88 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 7th to 10th, 17th, 26th and 28th meetings, from 2 to 4 and on 18 October and 6 and 7 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.7-10, 17, 26 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996[1]

Report of the Secretary-General on measures to eliminate international terrorism (A/57/183 and Corr.1 and Add.1)

Letter dated 16 April 2002 from the Secretary-General to the President of the General Assembly, containing the resolution adopted by the General Conference of the International Atomic Energy Agency entitled "Measures against illicit trafficking in nuclear materials and other radioactive materials" (A/57/66)

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 37* and corrigendum (A/57/37 and Corr.1).

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Letter dated 6 June 2002 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General, transmitting the resolutions adopted at the 107th Conference of the Inter-Parliamentary Union, held in Marrakech, Morocco, from 17 to 23 March 2002 (A/57/84-S/2002/645)

Letter dated 14 June 2002 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General, transmitting the declaration signed at St. Petersburg on 7 June 2002 by the heads of State of the members of the Shanghai Cooperation Organization (A/57/88-S/2002/672)

Letter dated 10 July 2002 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General (A/57/203)

Letter dated 31 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General (A/57/269-S/2002/854)

Identical letters dated 1 August 2002 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, transmitting the report of the Policy Working Group on the United Nations and Terrorism (A/57/273-S/2002/875)

Letter dated 20 August 2002 from the Permanent Representative of Fiji to the United Nations addressed to the Secretary-General, transmitting the communiqué of the thirty-third meeting of the Pacific Islands Forum, held in Fiji from 15 to 17 August 2002 (A/57/331)

Letter dated 23 August 2002 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/57/341-S/2002/950)

Letter dated 13 September 2002 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/57/409-S/2002/1035)

Identical letters dated 15 September 2002 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council (A/57/408-S/2002/1033)

Letter dated 17 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Belarus to the United Nations addressed to the Secretary-General (A/57/411-S/2002/1036)

Letter dated 17 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Belarus to the United Nations addressed to the Secretary-General (A/57/412-S/2002/1037)

Letter dated 17 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General (A/57/415-S/2002/1038)

Letter dated 19 September 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/419-S/2002/1049)

Letter dated 19 September 2002 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General (A/57/424-S/2002/1069)

Letter dated 25 September 2002 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General (A/57/423-S/2002/1065)

Letter dated 25 September 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/431-S/2002/1076)

Letter dated 27 September 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/438-S/2002/1089)

Letter dated 10 October 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/463-S/2002/1134)

Letter dated 22 October 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/495-S/2002/1186)

Letter dated 25 October 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Qatar to the United Nations addressed to the Secretary-General (A/57/500-S/2002/1205)

Letter dated 29 October 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/579-S/2002/1214)

Letter dated 31 October 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/585-S/2002/1220)

Report of the Working Group on measures to eliminate international terrorism (A/C.6/57/L.9)

5. Pursuant to paragraph 17 of General Assembly resolution 56/88, the Committee, at its 11th meeting, on 7 October, established a working group to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism as a means of further developing a comprehensive legal framework of conventions dealing with international terrorism, and to keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. At the same meeting, the Committee re-elected Rohan Perera (Sri Lanka) as the Chairman of the Working Group, which held two meetings, on 15 and 16 October.

6. At the 17th meeting, on 18 October, the Chairman of the Working Group on measures to eliminate international terrorism introduced the report of the Working Group (see A/C.6/57/SR.17).

II. Consideration of draft resolution A/C.6/57/L.22

7. At the 26th meeting, on 6 November, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/57/L.22) and orally revised the draft resolution by inserting after the tenth preambular paragraph a new preambular paragraph, reading:

> "*Mindful also* of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations."

8. At its 28th meeting, on 7 November, the Committee adopted draft resolution A/C.6/57/L.22, as orally revised, without a vote (see para. 10).

9. Before the adoption of the draft resolution, the representative of Pakistan made a statement in explanation of position (see A/C.6/57/SR.28).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[2]

Recalling also the United Nations Millennium Declaration,[3]

Recalling further all General Assembly and Security Council resolutions on measures to eliminate international terrorism,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of General Assembly resolution 56/88 of 12 December 2001, most recently those in Bali and Moscow, which prompted the adoption of Security Council resolutions 1438 (2002) of 14 October 2002 and 1440 (2002) of 24 October 2002 respectively,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Taking note of the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the

[2] See resolution 50/6.

[3] See resolution 55/2.

implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, wherein the Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Taking note of the final document of the Thirteenth Ministerial Conference of the Movement of Non-Aligned Countries, held at Cartagena de Indias, Colombia, on 8 and 9 April 2000,[4] which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed the previous initiative of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998,[5] calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, and other relevant initiatives,

Bearing in mind the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000 and 56/88 of 12 December 2001 that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Having examined the report of the Secretary-General,[6] the report of the Ad Hoc Committee[7] and the report of the Working Group of the Sixth Committee established pursuant to resolution 56/88,[8]

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[4] A/54/917-S/2000/580, annex.

[5] See A/53/667-S/1998/1071, annex I, paras. 149-162.

[6] A/57/183 and Corr.1 and Add.1.

[7] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 37* and corrigendum (A/57/37 and Corr.1)

[8] A/C.6/57/L.9.

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. *Reiterates its call* upon all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of resolution 51/210;

4. *Also reiterates its call* upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. *Further reiterates its call* upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter of the United Nations, international law and relevant international conventions;

7. *Urges* all States that have not yet done so to consider, as a matter of priority, and in accordance with Security Council resolution 1373 (2001), becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings[9] and the International Convention for the Suppression of the Financing of Terrorism,[10] and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

8. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to the conventions and protocols referred to in paragraph 7 above;

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[9] Resolution 52/164, annex.

[10] Resolution 54/109, annex.

9. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraph 7 of General Assembly resolution 56/88, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

10. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to Assembly resolution 51/210, and calls upon all States to implement them;

11. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

12. *Welcomes* the efforts of the Terrorism Prevention Branch of the Centre for International Crime Prevention in Vienna, after reviewing existing possibilities within the United Nations system, to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and in this context takes note with appreciation of the report of the Secretary-General on strengthening the Terrorism Prevention Branch of the Secretariat,[11] requested by the General Assembly in its resolution 56/253 of 24 December 2001;

13. *Welcomes also* the publication by the Secretariat of the volume of the United Nations Legislative Series entitled *National Laws and Regulations on the Prevention and Suppression of International Terrorism*, Part 1,[12] prepared by the Codification Division of the Office of Legal Affairs pursuant to paragraph 10 (b) of the Declaration on Measures to Eliminate International Terrorism;[13]

14. *Invites* States that have not yet done so to submit to the Secretary-General information on their national laws and regulations regarding the prevention and suppression of acts of international terrorism, and notes in this regard the reports of Member States to the Security Council Committee established pursuant to resolution 1373 (2001);

15. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism;

16. *Welcomes* the important progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the Working Group of the Sixth Committee established pursuant to General Assembly resolution 56/88;

17. *Decides* that the Ad Hoc Committee shall continue to elaborate a comprehensive convention on international terrorism as a matter of urgency, and shall continue its efforts to resolve the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism as a means of further developing a comprehensive legal framework of conventions

[11] A/57/152 and Corr.1 and Add.1 and Corr.1 and Add.2.

[12] ST/LEG/SER.B/22 — United Nations publication, Sales No. E/F.02.V.7.

[13] Resolution 49/60, annex.

dealing with international terrorism, and that it shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations;

18. *Decides also* that the Ad Hoc Committee shall meet from 31 March to 2 April 2003 to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, that it shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, and that the work shall continue, if necessary, during the fifty-eighth session of the General Assembly, within the framework of a working group of the Sixth Committee;

19. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

20. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-seventh session in the event of the completion of the draft comprehensive convention on international terrorism or the draft international convention for the suppression of acts of nuclear terrorism;

21. *Also requests* the Ad Hoc Committee to report to the General Assembly at its fifty-eighth session on progress made in the implementation of its mandate;

22. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Measures to eliminate international terrorism".

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Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/89 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 5th, 6th, 16th, 22nd and 25th meetings, on 30 September, 1, 17 and 31 October and 5 November 2002. The statements made during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.5, 6, 16, 22 and 25).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel;[1]

(b) Report of the Secretary-General (A/55/637).

5. At the 5th meeting, on 30 September, the Chairman of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel introduced the report of the Ad Hoc Committee (see A/C.6/57/SR.5).

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 52* (A/57/52).

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6. At the 16th meeting, on 17 October, the coordinator of the informal consultations on the recommendations contained in the report of the Secretary-General made an oral report on the outcome of the informal consultations (see A/C.6/57/SR.16).

II. Consideration of draft resolution A/C.6/57/L.20

7. At the 22nd meeting, on 31 October, the representative of New Zealand, on behalf of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, the Czech Republic, Denmark, Ecuador, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Nauru, New Zealand, Norway, Portugal, Romania, Samoa, Sierra Leone, Slovakia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland, subsequently joined by Brazil, Iceland, Monaco, the Netherlands, Papua New Guinea, Suriname and the former Yugoslav Republic of Macedonia, introduced a draft resolution entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel" (A/C.6/57/L.20).

8. At the 25th meeting, on 5 November, the Secretary of the Committee made a statement regarding the administrative and financial implications of the draft resolution.

9. At the same meeting, the Committee adopted draft resolution A/C.6/57/L.20, without a vote (see para. 10).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

The General Assembly,

Recalling its resolution 56/89 of 12 December 2001 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel,

Recalling also its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel,

Recalling further the letter dated 24 October 2000 addressed to the President of the Security Council on behalf of the global staff of the United Nations system,[2] drawing attention to the safety and security problems faced by United Nations and associated personnel,

[2] S/2000/1133, annex.

Recalling the report of the Secretary-General on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel[3] and the recommendations contained therein,

Reaffirming the need to promote and ensure respect for the principles and rules of international law, including international humanitarian law, as well as relevant provisions of human rights and refugee law,

Reaffirming also the obligation of all humanitarian personnel and United Nations and associated personnel to respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations,

Deeply concerned by the increasing dangers and security risks faced by United Nations and associated personnel at the field level, and mindful of the need to provide the fullest possible protection for their security,

Expressing concern that locally recruited personnel are particularly vulnerable to attacks directed at the United Nations,

Welcoming the recent increase in the number of States that have become parties to the Convention, which entered into force on 15 January 1999, and noting that the Convention has been ratified or acceded to by 63 States as at the date of the present resolution,

Mindful of the need to promote the universality of the Convention,

Having considered the report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel,[4] established by the General Assembly under its resolution 56/89, and taking account of the discussions in the Sixth Committee,

1. *Expresses its appreciation* for the work done by the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel;

2. *Calls upon* all States to consider becoming parties to and to respect fully their obligations under the relevant international instruments, in particular the Convention on the Safety of United Nations and Associated Personnel;

3. *Recommends* that the Secretary-General continue to seek the inclusion of, and that host countries include, key provisions of the Convention, among others, those regarding the prevention of attacks against members of the operation, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

4. *Recommends also* that, consistent with his existing authority, the Secretary-General advise the Security Council or the General Assembly, as appropriate, where in his assessment circumstances would support a declaration of exceptional risk for the purposes of article 1(c)(ii) of the Convention;

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[3] A/55/637

[4] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 52* (A/57/52)

5. *Confirms* that, consistent with his existing authority, the Secretary-General, who has knowledge of the facts and easy access to the information, may provide information, on the request of a State, on matters of fact relevant to the application of the Convention, such as the fact and content of any declaration of exceptional risk by the Security Council or the General Assembly or any agreement concluded between the United Nations and a humanitarian non-governmental organization or agency;

6. *Requests* the Secretary-General to prepare model or standardized provisions for incorporation into the agreements concluded between the United Nations and humanitarian non-governmental organizations or agencies, and if possible to report on progress on this issue before the next meeting of the Ad Hoc Committee, and to make available to Member States the names of organizations or agencies that have concluded such agreements, for the purposes of clarifying the application of the Convention to persons deployed by those organizations or agencies;

7. *Encourages* the Secretary-General and other relevant bodies to continue to take such other practical measures as are within their authority and existing institutional mandates to strengthen the protection for United Nations and associated personnel, including locally recruited personnel, who are particularly vulnerable and account for the majority of casualties of United Nations or associated personnel;

8. *Decides* that the Ad Hoc Committee established under resolution 56/89 shall reconvene for one week from 24 to 28 March 2003, and shall continue the discussion on measures to enhance the existing protective legal regime for United Nations and associated personnel, including addressing the application of the Convention to all United Nations operations, taking into account the report of the Secretary-General[1] and the discussions in the Ad Hoc Committee;

9. *Requests* the Ad Hoc Committee to submit a report on its work to the General Assembly at the fifty-eighth session;

10. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the measures taken to implement the present resolution;

11. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel".

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Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

Corrigendum

Paragraph 7

The paragraph *should read*

7. At the 22nd meeting, on 31 October, the representative of New Zealand, on behalf of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, the Czech Republic, Denmark, Ecuador, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Nauru, the Netherlands, New Zealand, Norway, Portugal, Romania, Samoa, Sierra Leone, Slovakia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland, subsequently joined by Brazil, Iceland, Monaco, Papua New Guinea, Suriname and the former Yugoslav Republic of Macedonia, introduced a draft resolution entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel" (A/C.6/57/L.20).

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